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# **PRELIMINARY DRAFT**

## **No. 3019**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2009 GENERAL ASSEMBLY**

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### **DIGEST**

**Citations Affected:** IC 2-5-1.5-5; IC 3-8-1; IC 3-10; IC 3-11-2-12; IC 3-13-6-1; IC 5-8-1-19; IC 5-22-4-3; IC 32-26-5-2; IC 32-31-3-11; IC 33-23; IC 33-24-3-7; IC 33-28-3-8; IC 33-30; IC 33-33-45-6.5; IC 33-37; IC 33-38; IC 33-41-1-6; IC 34-9-1-1; IC 34-24-1-3; IC 34-28-5-10; IC 34-35-1-4; IC 35-33; IC 36-2-16-9.

**Synopsis:** County courts. Repeals the law concerning the establishment and operation of county courts. (As of January 1, 2009, no county court will exist in Indiana.) Makes conforming amendments. (The introduced version of this bill was prepared by the commission on courts.)

**Effective:** July 1, 2009.



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 2-5-1.5-5, AS AMENDED BY P.L.127-2008,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2009]: Sec. 5. As used in this chapter, "public officer" refers  
4       to any of the following:

- 5       (1) The governor.
- 6       (2) The lieutenant governor.
- 7       (3) The secretary of state.
- 8       (4) The auditor of state.
- 9       (5) The treasurer of state.
- 10       (6) The attorney general.
- 11       (7) The state superintendent of public instruction.
- 12       (8) A justice of the supreme court of Indiana.
- 13       (9) A judge of the court of appeals of Indiana.
- 14       (10) A judge of the Indiana tax court.
- 15       (11) A judge of a circuit, superior, ~~or probate or county~~ court.
- 16       (12) A member of the general assembly.

17       SECTION 2. IC 3-8-1-33, AS AMENDED BY P.L.2-2005,  
18       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19       JULY 1, 2009]: Sec. 33. (a) A candidate for an office listed in  
20       subsection (b) must file a statement of economic interests.

21       (b) Whenever a candidate for any of the following offices is also  
22       required to file a declaration of candidacy or is nominated by petition,  
23       the candidate shall file a statement of economic interests before filing  
24       the declaration of candidacy or declaration of intent to be a write-in  
25       candidate, before the petition of nomination is filed, before the  
26       certificate of nomination is filed, or before being appointed to fill a  
27       candidate vacancy under IC 3-13-1 or IC 3-13-2:

- 28       (1) Governor, lieutenant governor, secretary of state, auditor of  
29       state, treasurer of state, attorney general, and state superintendent  
30       of public instruction, in accordance with IC 4-2-6-8.
- 31       (2) Senator and representative in the general assembly, in



accordance with IC 2-2.1-3-2.

(3) Justice of the supreme court, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, ~~judge of a county court~~, judge of a probate court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.146-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

#### OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.



- 1 (C) Judge of the probate court.
- 2 ~~(D) Judge of the county court, with each division separate, as~~
- 3 ~~required by IC 33-30-3-3.~~
- 4 ~~(E) (D)~~ Prosecuting attorney.
- 5 ~~(F) (E)~~ Circuit court clerk.
- 6 (4) County offices:
- 7 (A) County auditor.
- 8 (B) County recorder.
- 9 (C) County treasurer.
- 10 (D) County sheriff.
- 11 (E) County coroner.
- 12 (F) County surveyor.
- 13 (G) County assessor.
- 14 (H) County commissioner.
- 15 (I) County council member.
- 16 (5) Township offices:
- 17 (A) Township assessor (only in a township referred to in
- 18 IC 36-6-5-1(d)).
- 19 (B) Township trustee.
- 20 (C) Township board member.
- 21 (D) Judge of the small claims court.
- 22 (E) Constable of the small claims court.
- 23 (6) City offices:
- 24 (A) Mayor.
- 25 (B) Clerk or clerk-treasurer.
- 26 (C) Judge of the city court.
- 27 (D) City-county council member or common council member.
- 28 (7) Town offices:
- 29 (A) Clerk-treasurer.
- 30 (B) Judge of the town court.
- 31 (C) Town council member.
- 32 (c) The political party offices with candidates for election shall be
- 33 placed on the primary election ballot in the following order after the
- 34 offices described in subsection (b):
- 35 (1) Precinct committeeman.
- 36 (2) State convention delegate.
- 37 (d) The following offices and public questions shall be placed on the
- 38 primary election ballot in the following order after the offices described
- 39 in subsection (c):
- 40 (1) School board offices to be elected at the primary election.
- 41 (2) Other local offices to be elected at the primary election.
- 42 (3) Local public questions.
- 43 (e) The offices and public questions described in subsection (d)
- 44 shall be placed:
- 45 (1) in a separate column on the ballot if voting is by paper ballot;
- 46 (2) after the offices described in subsection (c) in the form



specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 4. IC 3-10-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A judge of the circuit court shall be elected at:

(1) the first general election following an appointment by the governor to fill a vacancy in the office of judge of the circuit court; or

(2) the general election before the term of the judge expires under Article 7, Section 7 of the Constitution of the State of Indiana; whichever occurs first, and every six (6) years thereafter.

(b) Except as otherwise provided by law, judges of the superior **and** probate ~~and county~~ courts shall be elected at the general election before their terms of office expire and every six (6) years thereafter.

SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

(1) Federal and state offices:

(A) President and Vice President of the United States.

(B) United States Senator.

(C) Governor and lieutenant governor.

(D) Secretary of state.

(E) Auditor of state.

(F) Treasurer of state.

(G) Attorney general.

(H) Superintendent of public instruction.

(I) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.



- 1 (B) Judge of the superior court, and unless otherwise specified  
 2 under IC 33, with each division separate if there is more than  
 3 one (1) judge of the superior court.  
 4 (C) Judge of the probate court.  
 5 ~~(D) Judge of the county court, with each division separate, as~~  
 6 ~~required by IC 33-30-3-3.~~  
 7 ~~(E) (D)~~ Prosecuting attorney.  
 8 ~~(F) (E)~~ Clerk of the circuit court.  
 9 (4) County offices:  
 10 (A) County auditor.  
 11 (B) County recorder.  
 12 (C) County treasurer.  
 13 (D) County sheriff.  
 14 (E) County coroner.  
 15 (F) County surveyor.  
 16 (G) County assessor.  
 17 (H) County commissioner.  
 18 (I) County council member.  
 19 (5) Township offices:  
 20 (A) Township assessor (only in a township referred to in  
 21 IC 36-6-5-1(d)).  
 22 (B) Township trustee.  
 23 (C) Township board member.  
 24 (D) Judge of the small claims court.  
 25 (E) Constable of the small claims court.  
 26 (6) City offices:  
 27 (A) Mayor.  
 28 (B) Clerk or clerk-treasurer.  
 29 (C) Judge of the city court.  
 30 (D) City-county council member or common council member.  
 31 (7) Town offices:  
 32 (A) Clerk-treasurer.  
 33 (B) Judge of the town court.  
 34 (C) Town council member.  
 35 SECTION 6. IC 3-13-6-1, AS AMENDED BY P.L.119-2005,  
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2009]: Sec. 1. (a) As used in this section, "judge" refers to a  
 38 judge of a circuit, superior, ~~or~~ probate ~~or~~ county court.  
 39 (b) If a judge wants to resign from office, the judge must resign as  
 40 provided in IC 5-8-3.5.  
 41 (c) A vacancy that occurs because of the death of a judge may be  
 42 certified to the governor under IC 5-8-6.  
 43 (d) A vacancy that occurs, other than by resignation or death of a  
 44 judge, shall be certified to the governor by the circuit court clerk of the  
 45 county in which the judge resided.  
 46 (e) A vacancy in the office of judge of a circuit court shall be filled



by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds the office until:

- (1) the end of the unexpired term; or
- (2) a successor is elected at the next general election and qualified;

whichever occurs first. The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(f) A vacancy in the office of judge of a superior, ~~or probate or county~~ court shall be filled by the governor subject to the following:

- (1) IC 33-33-2-39.
- (2) IC 33-33-2-43.
- (3) IC 33-33-45-38.
- (4) IC 33-33-71-40.

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term.

SECTION 7. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) Under Article 7, Section 13 of the Constitution of the State of Indiana, whenever a circuit, superior, ~~or probate or county~~ court judge or prosecuting attorney has been convicted of corruption or any other high crime, the attorney general shall bring proceedings in the supreme court, on information, in the name of the state, for the removal from office of the judge or prosecuting attorney.

(b) If the judgment is against the defendant, the defendant is removed from office. The governor, the officer, or the entity required to fill a vacancy under IC 3-13-6-2 shall, subject to:

- (1) IC 33-33-2-39;
- (2) IC 33-33-2-43;
- (3) IC 33-33-45-38; and
- (4) IC 33-33-71-40;

appoint or select a successor to fill the vacancy in office.

SECTION 8. IC 5-22-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Except as provided in subsections (c) and (d), a court in the judicial branch is the purchasing agency for that court.

(b) The individuals designated by a court are the purchasing agents for that court.

(c) Notwithstanding subsections (a) and (b), if a county has



established a purchasing agency for the county, both of the following apply:

(1) The purchasing agency established by the county is the purchasing agency for a circuit ~~or~~ superior ~~or county~~ court of the county.

(2) Section 5 of this chapter applies to the purchases of a circuit ~~or~~ superior ~~or county~~ court of the county.

(d) Notwithstanding subsections (a) and (b), a court may request either of the following to be the purchasing agency for the court:

(1) A purchasing agency of the executive branch.

(2) A purchasing agency of a political subdivision.

If a court requests a purchasing agency described in this subsection to be the purchasing agency for the court, the section of this chapter applicable to that purchasing agency applies to purchases made for the court.

SECTION 9. IC 32-26-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Upon receiving a complaint in writing signed by an owner of land adjoining a hedge or fence to which this chapter applies alleging that the owner of the fence has neglected to cut and trim the hedge or fence, the township trustee shall examine, within five (5) days after receiving the complaint, the hedge or other live fence.

(b) If the hedge or other live fence that is the subject of the complaint under subsection (a) has not been cut and trimmed, the township trustee shall give the owner of the hedge or other live fence written notice to cut and trim the hedge or other live fence and to remove the brush to the owner's property within thirty (30) days after receiving the notice.

(c) The notice required under subsection (b) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence. If the owner of properties divided by the hedge or other live fence is not a resident of the township where the hedge or other live fence is located, the notice shall be served by mailing a copy of the notice to the owner directed to the owner's last known post office address.

(d) If the owner or the owner's agents or tenants do not cut and trim the fences and remove the brush, the trustee shall, immediately after the expiration of thirty (30) days, cause the hedge or other live fence to be cut and trimmed and the brush removed to the owner's property.

(e) The trustee shall recover all expenses incurred under subsection (d) by bringing a suit against the owner of the property on which the hedge or live fence is situated before ~~the county court~~, the circuit court or the superior court of the county in which the hedge or other live fence is situated. Collection of the expenses and any judgment recovered shall be without relief from valuation or appraisal laws.

SECTION 10. IC 32-31-3-11 IS AMENDED TO READ AS





FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) The following courts have original and concurrent jurisdiction in cases arising under this chapter:

- (1) A circuit court.
- (2) A superior court.
- ~~(3) A county court.~~
- ~~(4)~~ (3) A municipal court.
- ~~(5)~~ (4) A small claims court.

(b) A case arising under this chapter may be filed on the small claims docket of a court that has jurisdiction.

SECTION 11. IC 33-23-3-1, AS AMENDED BY P.L.32-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A circuit court, a superior court, ~~a county court~~, a probate court, the tax court, or the court of appeals may apply to the supreme court for the appointment of a senior judge to serve the court.

(b) The application submitted under this section must include the following:

- (1) Reasons for the request.
- (2) Estimated duration of the need for a senior judge.

SECTION 12. IC 33-23-3-2, AS AMENDED BY P.L.32-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. Upon approving the request by a circuit court, a superior court, ~~a county court~~, a probate court, the tax court, or the court of appeals for a senior judge, the supreme court may appoint a senior judge to serve that court for the duration specified in the application submitted under section 1 of this chapter.

SECTION 13. IC 33-23-3-4, AS AMENDED BY P.L.32-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The supreme court may not require a senior judge to accept an assignment to serve a circuit court, a superior court, ~~a county court~~, a probate court, the tax court, or the court of appeals. If a senior judge declines an assignment to serve, the supreme court may offer the senior judge subsequent assignments to serve a circuit court, a superior court, ~~a county court~~, a probate court, the tax court, or the court of appeals.

SECTION 14. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

- (1) The supreme court.
- (2) The court of appeals.
- (3) The tax court.
- (4) A circuit court.
- (5) A superior court.
- (6) A juvenile court.



(7) A probate court.

~~(8) A county court.~~

~~(9)~~ (8) A municipal court.

~~(10)~~ (9) A city or town court.

~~(11)~~ (10) A small claims court.

(b) The term does not include a judge of any of the courts listed in subsection (a)(1) through ~~(a)(11)~~: **(a)(10)**.

SECTION 15. IC 33-24-3-7, AS AMENDED BY P.L.32-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The supreme court may appoint a judge who is certified as a senior judge by the judicial nominating commission to serve a circuit court, a superior court, ~~a county court~~, a probate court, the tax court, or the court of appeals if the court requests the services of a senior judge.

(b) The supreme court may adopt rules concerning:

(1) certification by the judicial nominating commission; and

(2) appointment by the supreme court;

of senior judges.

SECTION 16. IC 33-28-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The minor offenses and violations docket has jurisdiction over the following:

(1) All Class D felony cases.

(2) All misdemeanor cases.

(3) All infraction cases.

(4) All ordinance violation cases.

(b) The court shall establish a traffic violations bureau in the manner prescribed by IC 34-28-5-7 through ~~IC 34-28-5-10~~. **IC 34-28-5-9.**

SECTION 17. IC 33-33-45-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.5. Each judge of the county division of the superior court of Lake County shall maintain the following dockets:**

**(1) An offenses and violations docket.**

**(2) A small claims docket for the following:**

**(A) All cases where the amount sought or value of the property sought to be recovered is not more than six thousand dollars (\$6,000). The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of the claim that is over six thousand dollars (\$6,000) to bring the claim within the jurisdiction of the small claims docket.**

**(B) All possessory actions between landlord and tenant in which the rent due at the time the action is filed is not more than six thousand dollars (\$6,000).**

**(C) Emergency possessory actions between a landlord and**



1 **tenant under IC 32-31-4.**

2 **(3) A plenary docket for all other civil cases.**

3 SECTION 18. IC 33-37-1-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This article applies  
5 to all proceedings in the following courts:

6 (1) Circuit courts (Article 7, Section 7 of the Constitution of the  
7 State of Indiana, IC 33-28, and IC 33-33).

8 (2) Superior courts (IC 33-29 and IC 33-33).

9 ~~(3) County courts (IC 33-30).~~

10 ~~(4)~~ **(3)** Probate courts (IC 33-31).

11 ~~(5)~~ **(4)** City and town courts (IC 33-35).

12 SECTION 19. IC 33-37-7-6 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The qualified  
14 municipality share to be distributed to each city and town maintaining  
15 a law enforcement agency that prosecutes at least fifty percent (50%)  
16 of the city's or town's ordinance violations in a circuit ~~or~~ superior ~~or~~  
17 ~~county~~ court located in the county is three percent (3%) of the amount  
18 of fees collected under the following:

19 (1) IC 33-37-4-1(a) (criminal costs fees).

20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

21 (3) IC 33-37-4-3(a) (juvenile costs fees).

22 (4) IC 33-37-4-4(a) (civil costs fees).

23 (5) IC 33-37-4-6(a)(1) (small claims costs fees).

24 (6) IC 33-37-4-7(a) (probate costs fees).

25 (7) IC 33-37-5-17 (deferred prosecution fees).

26 (b) The county auditor shall determine the amount to be distributed  
27 to each city and town qualified under subsection (a) as follows:

28 STEP ONE: Determine the population of the qualified city or  
29 town.

30 STEP TWO: Add the populations of all qualified cities and towns  
31 determined under STEP ONE.

32 STEP THREE: Divide the population of each qualified city and  
33 town by the sum determined under STEP TWO.

34 STEP FOUR: Multiply the result determined under STEP THREE  
35 for each qualified city and town by the amount of the qualified  
36 municipality share.

37 (c) The county auditor shall distribute semiannually to each city and  
38 town described in subsection (a) the amount computed for that city or  
39 town under STEP FOUR of subsection (b).

40 (d) This section applies after June 30, 2005.

41 SECTION 20. IC 33-38-1-2 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. Each judge of each:

43 (1) judicial circuit containing more than one (1) county;

44 ~~(2) county court serving more than one (1) county;~~ and

45 ~~(3)~~ **(2)** superior court district containing more than one (1) county;

46 shall be paid two thousand dollars (\$2,000) per year to reimburse the



1 judge for traveling and other necessary expenses. Two thousand dollars  
 2 (\$2,000) for each judge is appropriated annually from the state general  
 3 fund not otherwise appropriated.

4 SECTION 21. IC 33-38-9-3 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The judicial  
 6 conference of Indiana is established.

7 (b) The membership of the judicial conference consists of the  
 8 following:

9 (1) All justices of the supreme court.

10 (2) All judges of the court of appeals.

11 (3) The judge of the tax court.

12 (4) All circuit, superior, **and** probate **and county** court judges.

13 (5) All municipal court judges who are serving on a full-time  
 14 basis.

15 (6) Any retired judge who serves as a special judge and notifies  
 16 the conference of the service.

17 (c) A full-time magistrate under IC 33-23-5 is a nonvoting member  
 18 of the conference.

19 SECTION 22. IC 33-38-11-1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) The judge of a  
 21 circuit **or** superior **or county** court may appoint temporary judges. Each  
 22 temporary judge must be:

23 (1) a competent attorney admitted to the practice of law in  
 24 Indiana; and

25 (2) a resident of the judicial district of the court after the  
 26 temporary judge's appointment.

27 The temporary judge's appointment must be in writing. The temporary  
 28 judge continues in office until removed by the judge.

29 (b) A temporary juvenile law judge may be appointed under this  
 30 subsection for the exclusive purpose of hearing cases arising under  
 31 IC 31-30 through IC 31-40. The appointment shall be made under an  
 32 agreement between at least two (2) judges of courts located:

33 (1) in the same county; or

34 (2) in counties that are adjacent to each other.

35 (c) An agreement under subsection (b) must:

36 (1) be filed with the circuit court clerk of each county in which a  
 37 court subject to the agreement is located;

38 (2) specify the duration of the agreement, which may not exceed  
 39 one (1) year; and

40 (3) permit a judge to end the participation of a court in the  
 41 agreement.

42 SECTION 23. IC 33-41-1-6 IS AMENDED TO READ AS  
 43 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Every official  
 44 circuit, superior, criminal, probate, **and** juvenile **and county** court  
 45 reporter appointed under section 1 of this chapter **or IC 33-30-7-2** may  
 46 do the following:



(1) Take and certify all acknowledgments of deeds, mortgages, or other instruments of writing required or authorized by law to be acknowledged.

(2) Administer oaths generally.

(3) Take and certify affidavits, examinations, and depositions.

(4) Perform any duty conferred upon a notary public by Indiana statutes.

(b) Any official reporter taking examinations and depositions may:

(1) take them in shorthand;

(2) transcribe them into typewriting or longhand; and

(3) have them signed by the deposing witness.

(c) Before performing any official duty as authorized, an official reporter must:

(1) provide a bond as is required for notaries public; and

(2) procure a seal that will stamp a distinct impression indicating the reporter's official character, to which may be added any other device as the reporter chooses.

SECTION 24. IC 34-9-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided under subsection (c), a civil action may be prosecuted or defended by a party:

(1) in person; or

(2) represented by an attorney.

(b) If the state of Indiana is a party to a civil action filed on the small claims docket of a circuit court ~~or~~ superior court, ~~or county court~~, the state of Indiana is not required to appear by attorney.

(c) A corporation and any organization required to make application to the secretary of state under IC 25-11-1-3 must appear by attorney in all cases. However, corporations organized under:

(1) IC 23-1;

(2) IC 23-1.5;

(3) IC 23-7-1.1 (before its repeal on August 1, 1991); or

(4) IC 23-17;

are not required to appear by attorney in civil cases filed on a small claims docket of a circuit ~~or~~ superior ~~or county~~ court.

SECTION 25. IC 34-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The prosecuting attorney for the county in which the seizure occurs may, within ninety (90) days after receiving written notice from the owner demanding return of the seized property or within one hundred eighty (180) days after the property is seized, whichever occurs first, cause an action for reimbursement of law enforcement costs and forfeiture to be brought by filing a complaint in the circuit ~~or~~ superior ~~or county~~ court in the jurisdiction where the seizure occurred. The action must be brought:

(1) in the name of the state or the state and the unit that employed the law enforcement officers who made the seizure if the state



1 was not the employer; and

2 (2) within the period that a prosecution may be commenced under  
3 IC 35-41-4-2 for the offense that is the basis for the seizure.

4 (b) If the property seized was a vehicle or real property, the  
5 prosecuting attorney shall serve, under the Indiana Rules of Trial  
6 Procedure, a copy of the complaint upon each person whose right, title,  
7 or interest is of record in the bureau of motor vehicles, in the county  
8 recorder's office, or other office authorized to receive or record vehicle  
9 or real property ownership interests.

10 (c) The owner of the seized property, or any person whose right,  
11 title, or interest is of record may, within twenty (20) days after service  
12 of the complaint under the Indiana Rules of Trial Procedure, file an  
13 answer to the complaint and may appear at the hearing on the action.

14 (d) If, at the end of the time allotted for an answer, there is no  
15 answer on file, the court, upon motion, shall enter judgment in favor of  
16 the state and the unit (if appropriate) for reimbursement of law  
17 enforcement costs and shall order the property disposed of in  
18 accordance with section 4 of this chapter.

19 SECTION 26. IC 34-35-1-4 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) When a  
21 practicing attorney is called upon to preside in the place of the regular  
22 judge as a judge pro tempore, the attorney shall be allowed the  
23 following:

24 (1) The sum of twenty dollars (\$20) per day for each day or part  
25 of a day actually served.

26 (2) For each mile necessarily traveled each day in going to and  
27 returning from the place where the court is being held, a sum for  
28 mileage equal to that sum per mile paid to state officers and  
29 employees. The rate per mile shall change each time the state  
30 government changes its rate per mile.

31 (b) If such judge pro tempore is a resident of another county, the  
32 judge pro tempore shall be paid an additional sum of twenty dollars  
33 (\$20) for each day or part of a day actually served, making a total of  
34 forty dollars (\$40).

35 (c) The judge pro tempore shall be paid on the presentation of:

36 (1) an order made by the court for the allowance, specifying the  
37 days of service and mileage, if any, supported by the affidavit of  
38 the judge pro tempore that the judge pro tempore actually served  
39 the days, and the miles traveled were necessary; and

40 (2) an affidavit of the regular judge stating the reason for the  
41 service of the judge pro tempore.

42 (d) The payment under subsection (c) shall be paid out of the county  
43 treasury for the time being, for which the county shall have credit on  
44 settlement with the treasurer of state.

45 (e) In change of venue from one (1) court to another court of the  
46 same county, or from one (1) judge to another judge of the same



1 county, the compensation provided for in this section does not apply,  
 2 unless the other court or judge to which the change is taken is situated  
 3 in another city in the same county.

4 (f) A full-time judge of a circuit ~~or~~ superior ~~or county~~ court may not  
 5 be paid compensation for serving as a special judge, except reasonable  
 6 expenses for meals, lodging, travel, and other incidental expenses  
 7 approved by the state court administrator.

8 SECTION 27. IC 35-33-2-3 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The warrant is  
 10 issued to the sheriff of the county where the indictment or information  
 11 is filed. This warrant may be served or arrests on it made:

- 12 (1) by any law enforcement officer;
- 13 (2) on any day of the week; and
- 14 (3) at any time of the day or night.

15 (b) A law enforcement officer may break open any outer or inner  
 16 door or window in order to execute an arrest warrant, if ~~he~~ **the officer**  
 17 is not admitted following an announcement of ~~his~~ **the officer's**  
 18 authority and purpose.

19 (c) The accused person shall be delivered to the sheriff of the county  
 20 in which the indictment or information was filed, and the sheriff shall  
 21 commit the accused person to jail or hold ~~him~~ **the accused person** to  
 22 bail as provided in this article.

23 (d) A person or persons whose property is wrongfully damaged or  
 24 whose person is wrongfully injured by any law enforcement officer or  
 25 officers who wrongfully enter may recover such damage from the  
 26 responsible authority and the law enforcement officer or officers as the  
 27 court may determine. The action may be filed in the circuit court ~~or~~  
 28 superior court ~~or county court~~ in the county where the wrongful entry  
 29 took place.

30 SECTION 28. IC 35-33-5-7 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) A search warrant  
 32 issued by a court of record may be executed according to its terms  
 33 anywhere in the state. A search warrant issued by a court that is not a  
 34 court of record may be executed according to its terms anywhere in the  
 35 county of the issuing court.

36 (b) A search warrant must be:

- 37 (1) executed not more than ten (10) days after the date of
- 38 issuance; and
- 39 (2) returned to the court without unnecessary delay after the
- 40 execution.

41 (c) A search warrant may be executed:

- 42 (1) on any day of the week; and
- 43 (2) at any time of the day or night.

44 (d) A law enforcement officer may break open any outer or inner  
 45 door or window in order to execute a search warrant, if ~~he~~ **the officer**  
 46 is not admitted following an announcement of ~~his~~ **the officer's**



1 authority and purpose.

2 (e) A person or persons whose property is wrongfully damaged or  
3 whose person is wrongfully injured by any law enforcement officer or  
4 officers who wrongfully enter may recover such damage from the  
5 responsible authority and the law enforcement officer or officers as the  
6 court may determine. The action may be filed in the circuit court **or**  
7 superior court ~~or county court~~ in the county where the wrongful entry  
8 took place.

9 SECTION 29. IC 36-2-16-9 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. If a county has:

11 (1) a superior ~~or county~~ court; or

12 (2) two (2) or more courthouses in which branches of county  
13 offices are maintained;

14 the deputies in charge of the various courts or branches rank as, and  
15 shall be compensated as, first or chief deputies.

16 SECTION 30. THE FOLLOWING ARE REPEALED [EFFECTIVE  
17 JULY 1, 2009]: IC 3-8-1-18; IC 33-30; IC 34-28-5-10.

